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SENATE BILL 57

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; CHANGING THE WAY AN ELECTION  
MAY BE INITIATED IN A LOCAL OPTION DISTRICT ON WHETHER TO ISSUE  
RESTAURANT LICENSES FOR THE SALE OF BEER AND WINE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6A-4 NMSA 1978 (being Laws 1981,  
Chapter 39, Section 21) is amended to read:

"60-6A-4. RESTAURANT LICENSE. --

A. At any time after the effective date of the  
Liquor Control Act, a local option district may approve the  
issuance of restaurant licenses for the sale of beer and wine  
by holding an election on that question pursuant to the  
procedures set out in Section [~~15 of that act~~] 60-5A-1 NMSA  
1978. The election also may be initiated by a resolution  
adopted by the governing body of the local option district

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1 without a petition from registered qualified electors having  
2 been submitted.

3 B. After the approval of restaurant licenses by the  
4 registered qualified electors of the local option district and  
5 upon completion of all requirements in the Liquor Control Act  
6 for the issuance of licenses, a restaurant located or to be  
7 located within the local option district may receive a  
8 restaurant license to sell, serve or allow the consumption of  
9 beer and wine subject to the following requirements and  
10 restrictions:

11 (1) the applicant shall submit evidence to the  
12 department that he has a current valid food service  
13 establishment permit;

14 (2) the applicant shall satisfy the director  
15 that the primary source of revenue from the operation of the  
16 restaurant will be derived from meals and not from the sale of  
17 beer and wine;

18 (3) the director shall condition renewal upon  
19 a requirement that no less than sixty percent of gross receipts  
20 from the preceding twelve months' operation of the licensed  
21 restaurant was derived from the sale of meals;

22 (4) upon application for renewal, the licensee  
23 shall submit an annual report to the director indicating the  
24 annual gross receipts from the sale of meals and from beer and  
25 wine sales;

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1 (5) restaurant licensees shall not sell beer  
2 and wine for consumption off the licensed premises;

3 (6) all sales, services and consumption of  
4 beer and wine authorized by a restaurant license shall cease at  
5 the time meals sales and services cease or at 11:00 p.m.,  
6 whichever time is earlier;

7 (7) if Sunday sales have been approved in the  
8 local option district, a restaurant licensee may serve beer and  
9 wine on Sundays until the time meals sales and services cease  
10 or 11:00 p.m., whichever time is earlier; and

11 (8) a restaurant license shall not be  
12 transferable from person to person or from one location to  
13 another.

14 C. The provisions of Section [~~35 of the Liquor~~  
15 ~~Control Act~~] 60-6A-18 NMSA 1978 shall not apply to restaurant  
16 licenses.

17 D. Nothing in this section shall prevent a  
18 restaurant licensee from receiving other licenses pursuant to  
19 the Liquor Control Act. "

20 Section 2. EFFECTIVE DATE. --The effective date of the  
21 provisions of this act is July 1, 2003.